UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,473	08/30/2004	Michael J. Berardi	03292.101090.4	9805

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EXAMINER
KAMAL, SHAHID

ART UNIT	PAPER NUMBER
3621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 July 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07/08/2008</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Acknowledgements

1.   Claims 1-15 are remain pending and have been examined.

2.   This Office Action is responsive to the amendment filed on July 31, 2008.

Information Disclosure Statement

3.   The Information Disclosure Statement filed on 08 July 2008 has been considered. An

initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al.

(US Patent No.: 7,096,204 B1) ("Chen") in view of Franklin (US Patent No.: 5,883,810)

("Franklin").

        Referring to claim 1, Chen discloses the following:

    a) a transaction device (i.e. secure token) associated with an account identifier (i.e. true

consumer identity), said account identifier (i.e. true consumer identity) including at least a first

account identifier portion (i.e. true consumer identity) and a second account identifier portion

(i.e. true consumer identity), said transaction device (i.e. secure token) further including a

transaction device (i.e. secure token), said proxy account identifier (i.e. temporary identity)

including said first account identifier portion, a first proxy account identifier (i.e. temporary

identity) storage area and a second proxy account identifier (i.e. temporary identity) storage area,

said second proxy account (i.e. temporary identity) identifier storage area configured to store at

least said first account identifier portion (i.e. true consumer identity), and said transaction device

operable to provide said proxy account identifier (i.e. temporary identity) including said first

account identifier portion (i.e. true consumer identity) to an account identifier (i.e. true consumer

identity) provider system (see abstract, column 1, lines 42-58 –a secure token containing a true

consumer identity and the consumer requesting the purchase from the vendor and providing the

temporary identity to the vendor, the vendor requesting transaction authorization from the broker

by forwarding the request and the temporary identity to the broker, the broker matching the

temporary identity to a current list of temporary identities and obtaining the true consumer

identity); and

    b) an account identifier (i.e. true consumer identity) provider system in communication with

said transaction device for receiving said proxy account identifier (i.e. temporary identity)

including said first account identifier portion (i.e. true consumer identity), said account provider

system operable to associate said first account identifier portion (i.e. true consumer identity) to

said account identifier, said account identifier being associated with a transaction account, and

said account identifier provider system operable to receive said first account identifier portion

(i.e. true consumer identity) and provide the corresponding account identifier, to an account

identifier provider server for transaction completion (see column 1, lines 42-58 –a secure token containing a true consumer identity and the consumer requesting the purchase from the vendor and providing the temporary identity to the vendor, the vendor requesting transaction authorization from the broker by forwarding the request and the temporary identity to the broker, the broker matching the temporary identity to a current list of temporary identities and obtaining the true consumer identity and the broker providing authorization for the transaction based on transaction details and true consumer identity).

Chen does not expressly disclose database including a proxy account identifier storage area, said transaction device database proxy account identifier storage area operable for storing a proxy account identifier, said proxy account identifier storage area including.

Franklin discloses database including a proxy account identifier storage area, said transaction device database proxy account identifier storage area operable for storing a proxy account identifier, said proxy account identifier storage area including (see column 8, lines 57-67, column 9, lines 1-4 –the bank computer identify the account information which is store in the database).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Chen to include the step(s) taught by Franklin as discussed above in order to provide a method/system for easy retrieval of the "true consumer identity" by using the proxy identifier as an index (see Franklin: column 9, lines 37-40).

Referring to claim 2, Chen further discloses wherein said account identifier (i.e. true consumer identity) provider system is operable to provide said account identifier to said account

identifier provider server (i.e. secure token) in accordance with said first account identifier

portion (see column 1, lines 47-49 –the consumer obtaining a temporary identity from the broker

by using the true consumer identity from the secure token).

Referring to claim 3, Chen further discloses wherein said account identifier provider system

is operable to generate said second account identifier portion in accordance with a predetermined

algorithm operated on said account identifier first portion, said account identifier provider

system is operable to provide said account identifier to said account identifier provider server in

accordance with said first account identifier portion and said generated account identifier second

portion (see column 1, lines 42-58 –a secure token containing a true consumer identity and the

consumer requesting the purchase from the vendor and providing the temporary identity to the

vendor).

Referring to claim 4, Chen does not expressly disclose wherein said account identifier

provider system further includes an account identifier provider database, said account identifier

provider database operable to store said account identifier, wherein said account identifier

provider system is operable to locate said stored account identifier in accordance with a

predetermined algorithm operated on said first account identifier portion.

Franklin discloses wherein said account identifier provider system further includes an

account identifier provider database, said account identifier provider database operable to store

said account identifier, wherein said account identifier provider system is operable to locate said

stored account identifier in accordance with a predetermined algorithm operated on said first

account identifier portion (see column 8, lines 57-67, column 9, lines 1-4 –the bank computer

identify the account information which is store in the database).

Therefore, at the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to have modified of Chen to include the step(s) taught by Franklin as

discussed above in order to provide a method/system for easy retrieval of the "true consumer

identity" by using the proxy identifier as an index (see Franklin: column 9, lines 37-40).

Referring to claim 5, Chen does not expressly disclose wherein said account identifier

provider system further includes an account identifier provider database, said account identifier

provider database operable to store said second account identifier portion, wherein said account

identifier provider system is operable to locate said stored second account identifier portion in

accordance with a predetermined algorithm operated on said first account identifier portion, said

account identifier provider system is operable to provide said account identifier to said account

identifier provider server in accordance with said first account identifier portion and said located

second account identifier portion.

Franklin discloses wherein said account identifier provider system further includes an

account identifier provider database, said account identifier provider database operable to store

said account identifier second portion, wherein said account identifier provider system is

operable to locate said stored account identifier second portion in accordance with a

predetermined algorithm operated on said account identifier first portion, said account identifier

provider system is operable to provide said account identifier to said account identifier provider

server in accordance with said account identifier first portion and said located account identifier

second portion (see column 8, lines 57-67, column 9, lines 1-4 –the bank computer identify the account information which is store in the database).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Chen to include the step(s) taught by Franklin as discussed above in order to provide a method/system for easy retrieval of the "true consumer identity" by using the proxy identifier as an index (see Franklin: column 9, lines 37-40).

Referring to claim 6, Chen further discloses a merchant system in communication with said transaction device (i.e. secure token) system, said transaction device system operable to provide said proxy account identifier (i.e. temporary identity) to said merchant system, said merchant system in further communication with said account identifier provider system, said merchant system operable to provide said proxy account identifier (i.e. temporary identity) including said first account identifier portion to said account provider (i.e. vendor) system (see column 1, lines 47-50 –consumer get an account identity from a vendor).

Referring to claim 7, Chen further discloses wherein said transaction device (i.e. secure token) system is operable to provide said proxy account identifier in a merchant system recognizable format (see column 1, lines 47-55 -secure token identified with temporary identity).

Referring to claim 8, Chen further discloses a transaction device reader in communication with said transaction device system, said transaction device reader in further communication with said merchant system, said transaction device reader operable to receive said proxy account

identifier and to provide said proxy account identifier to said merchant system (see column 1,

lines 42-58 -secure token containing true consumer identity and further create a temporary

identity for the vendor system).

   Referring to claim 9, Chen further discloses wherein said proxy account identifier is in

International Standards Organization (ISO) compatible magnetic stripe format (see column 12

lines 6-14 –ISO/IEC).

   Referring to claim 10, Chen further discloses wherein said proxy account identifier includes

said first account identifier portion in at least one track of an ISO compatible magnetic stripe

format (see column 12 lines 6-14 –ISO/IEC).

   Referring to claim 11, Chen further discloses wherein said transaction device is operable to

provide said proxy account identifier including said first account identifier portion to an account

identifier provider system in a contactless transmission medium (see column 1, lines 42-58 –a

secure token containing a true consumer identity and the consumer requesting the purchase from

the vendor and providing the temporary identity to the vendor, the vendor requesting transaction

authorization from the broker by forwarding the request and the temporary identity to the broker,

the broker matching the temporary identity to a current list of temporary identities and obtaining

the true consumer identity and the broker providing authorization for the transaction based on

transaction details and true consumer identity).

Referring to claim 12, Chen further discloses wherein said contactless transmission medium is radio frequency (see column 1, lines 45-46 –the medium is a secure token).

Referring to claim 13, Chen discloses the following: receiving a proxy transaction device account identifier (i.e. temporary identity), wherein the proxy transaction device identifier includes at least one portion of a transaction device identifier (i.e. secure token) associated with a transaction account; providing a transaction account identifier (i.e. true consumer) in accordance with a portion of the proxy transaction device identifier (i.e. temporary identity), the portion of the proxy transaction device identifier(i.e. temporary identity) corresponding to a portion of the transaction account identifier; and correlating the transaction account identifier with a transaction account for use in satisfying a transaction (see column 1, lines 42-58 –a secure token containing a true consumer identity and the consumer requesting the purchase from the vendor and providing the temporary identity to the vendor, the vendor requesting transaction authorization from the broker by forwarding the request and the temporary identity to the broker, the broker matching the temporary identity to a current list of temporary identities and obtaining the true consumer identity and the broker providing authorization for the transaction based on transaction details and true consumer identity).

Referring to claim 14, Chen further discloses receiving the proxy transaction device identifier in International Standards Organization magnetic stripe format, wherein the proxy transaction device identifier includes at least a first proxy identifier portion and a second proxy identifier

portion, wherein at least the first proxy identifier portion includes a portion of transaction

account identifier (see column 12 lines 6-14 –ISO/IEC).

   Referring to claim 15, Chen discloses the following: providing a transaction device (i.e.

secure token) associated with a proxy account identifier (i.e. temporary identity), the proxy

account identifier having at least a first proxy account identifier portion (i.e. temporary identity);

associating the first proxy account identifier portion (i.e. temporary identity) with a transaction

account identifier (i.e. true consumer identity); the transaction device (i.e. secure token) identifier

including first and second transaction account identifier portions (i.e. true consumer); storing the

first transaction account identifier portion in the first proxy account identifier portion (i.e.

temporary identity); and providing the first transaction account identifier portion (i.e. true

consumer) to a transaction account provider for use in determining the transaction account

identifier (i.e. true consumer) for use in completing a transaction (see column 1, lines 42-58 –a

secure token containing a true consumer identity and the consumer requesting the purchase from

the vendor and providing the temporary identity to the vendor, the vendor requesting transaction

authorization from the broker by forwarding the request and the temporary identity to the broker,

the broker matching the temporary identity to a current list of temporary identities and obtaining

the true consumer identity and the broker providing authorization for the transaction based on

transaction details and true consumer identity).

   Chen does not expressly disclose a database for storing the proxy account identifier.

Franklin discloses providing a database for storing the proxy account identifier (see column 8, lines 57-67, column 9, lines 1-4 –the bank computer identify the account information which is store in the database).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Chen to include the step(s) taught by Franklin as discussed above in order to provide a method/system for easy retrieval of the "true consumer identity" by using the proxy identifier as an index (see Franklin: column 9, lines 37-40).

Examiner's Note:

6.   The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

7.   Applicant's arguments filed on July 31, 2008 have been fully considered but they are not persuasive.

8.   As per claims 1-15, Applicant argues "Chen does not disclose a transaction device associated with an account identifier, said account identifier including at least a first account

identifier portion and a second account identifier portion, said transaction device further

including a transaction device, said proxy account identifier including said first account

identifier portion, a first proxy account identifier storage area and a second proxy account

identifier storage area, said second proxy account identifier storage area configured to store at

least said first account identifier portion, and said transaction device operable to provide said

proxy account identifier including said first account identifier portion to an account identifier

provider system; and an account identifier provider system in communication with said

transaction device for receiving said proxy account identifier including said first account

identifier portion, said account provider system operable to associate said first account identifier

portion to said account identifier, said account identifier being associated with a transaction

account, and said account identifier provider system operable to receive said first account

identifier portion and provide the corresponding account identifier, to an account identifier

provider server for transaction completion (response pages 8-10)" and "Franklin does not

disclose database including a proxy account identifier storage area, said transaction device

database proxy account identifier storage area operable for storing a proxy account identifier,

said proxy account identifier storage area including (response pages 8-10)".

Chen disclose a transaction device (i.e. secure token) associated with an account

identifier (i.e. true consumer identity), said account identifier (i.e. true consumer identity)

including at least a first account identifier portion (i.e. true consumer identity) and a second

account identifier portion (i.e. true consumer identity), said transaction device (i.e. secure token)

further including a transaction device (i.e. secure token), said proxy account identifier (i.e.

temporary identity) including said first account identifier portion, a first proxy account identifier

(i.e. temporary identity) storage area and a second proxy account identifier (i.e. temporary

identity) storage area, said second proxy account (i.e. temporary identity) identifier storage area

configured to store at least said first account identifier portion (i.e. true consumer identity), and

said transaction device operable to provide said proxy account identifier (i.e. temporary identity)

including said first account identifier portion (i.e. true consumer identity) to an account identifier

(i.e. true consumer identity) provider system (see abstract, column 1, lines 42-58 –a secure token

containing a true consumer identity and the consumer requesting the purchase from the vendor

and providing the temporary identity to the vendor, the vendor requesting transaction

authorization from the broker by forwarding the request and the temporary identity to the broker,

the broker matching the temporary identity to a current list of temporary identities and obtaining

the true consumer identity); and an account identifier (i.e. true consumer identity) provider

system in communication with said transaction device for receiving said proxy account identifier

(i.e. temporary identity) including said first account identifier portion (i.e. true consumer

identity), said account provider system operable to associate said first account identifier portion

(i.e. true consumer identity) to said account identifier, said account identifier being associated

with a transaction account, and said account identifier provider system operable to receive said

first account identifier portion (i.e. true consumer identity) and provide the corresponding

account identifier, to an account identifier provider server for transaction completion (see

column 1, lines 42-58 –a secure token containing a true consumer identity and the consumer

requesting the purchase from the vendor and providing the temporary identity to the vendor, the

vendor requesting transaction authorization from the broker by forwarding the request and the

temporary identity to the broker, the broker matching the temporary identity to a current list of

temporary identities and obtaining the true consumer identity and the broker providing

authorization for the transaction based on transaction details and true consumer identity), and

Franklin discloses database including a proxy account identifier storage area, said transaction

device database proxy account identifier storage area operable for storing a proxy account

identifier, said proxy account identifier storage area including (see column 8, lines 57-67,

column 9, lines 1-4 –the bank computer identify the account information which is store in the

database).

Conclusion

9.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of

the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The examiner

can normally be reached on MONDAY through THURSDAY between the hours of 8:30 AM

and 7 PM.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions

and 571-273-6714 for Non-Official/Draft.

    Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov.

    Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Shahid Kamal
November 12, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621